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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,646	12/19/2001	Zvi Kamil	AER-P-2	8261

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,646

Applicant(s)

KAMIL, ZVI

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/19/01 and 3/12/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 8 and 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 cites "resuming the interference... after an off-hook condition." Claim 8 depends from claim 1 and nowhere in claim 1 is it cited that the interference stops thereby necessitating the need to "resume" interference or that the telephone is placed on-hook and then taken off-hook. However, claim 7 makes reference to the telephone going on-hook and if it after this that claim 8 refers to, claim 8 should depend therefrom. Therefore, examiner respectfully requests an explanation or amendment to the claim(s).

Claim 19 recites the limitation "the remote computer" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5, and 9 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat 5,864,613 (Flood).

As to claims 1 and 4 Flood teaches a call restriction apparatus known as a call caging system 100. System 100 has: a database 106 for storing access and call criteria read as the claimed "memory for storing call restriction data and at least one call restriction rule"; means for programming and operating the system, for example processor 204, read as the claimed "controller"; and a switch 104 for connecting the system to a telephone 102 and a telephone network 108, via telephone lines. (Figs. 1 and 2, Col. 1, line 55 – 65, Col. 3, lines 28 – 38, Col. 4, line 32 – Col. 5, line 59).

Furthermore, Flood teaches that a user may send and receive calls to and from network 108 and send commands to system 100 to enter and modify data in database 106. Therefore, it is inherent that Flood has a transceiver or some analogous means for receiving and transmitting DTMF signals read as the claimed "tone signals." (Col. 2, lines 60 – 67).

What is not explicitly taught by Flood are the claimed "digital signals." However, such would be at the least obvious to one of ordinary skill in the art to have included in Flood inasmuch as switch 104 has switch intelligence 110 which in turn comprises a computer system 200. (Col. 3, lines 1 – 38). DTMF signals MUST be converted to digital signals in order for computer system 200 to understand a user's commands, and it is a matter of preference and design choice to one of ordinary skill in the art as to

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whether this conversion happens at the computer system 200 or in call caging apparatus 100.

As to the operation of Flood's call caging system 100, the telephone line to and from telephone 102 is monitored for either incoming or outgoing calls and when either an incoming or outgoing number is detected as being one that should be restricted according the rules stored in database 106, system 100 plays a recorded block indication message and then terminates the call, read as the claimed "caus[ing] an interference on said telephone line." (Figs. 4A – 5C, Col. 7, line 19 – Col. 8, line 59).

As to claim 2, what is not specifically taught by Flood is the claimed "tone signal" indicating detection of a call inhibition condition. However, because Flood teaches playing a recorded block indication message, it would be obvious for one of ordinary skill in the art to have substituted a "tone signal" inasmuch as both are merely different variations on an indication signal.

As to claim 5, it is inherent that the database 106 would be nonvolatile. If not, all the data stored therein would be lost as soon as power was lost.

As to claim 9, see Col. 3, lines 34 – 38 wherein Flood contemplates the use of various types of processors.

As to claim 10, Flood does not teach that the programming of system 100 occurs separately from its restrictive aspect of operation. Flood's system 100, via computer system 200 controls both the programming of the database and the restrictive aspect.

As to claim 11, such is inherent in the system of Flood. There is no other way for a user to program or modify parameters of system 100.

As to claims 12, 19, 20, and 21, the system of Flood has been discussed above. Furthermore, Flood teaches that voice commands, by way of a voice-recognition device or IVR, read as the claimed "remote computer" may be used to program system 100. (Col. 4, lines 8 – 18).

As to claims 13 – 15, and 22, Flood teaches that the voice-recognition device allows sending of a request for a passcode read as the claimed "authorization code" and the inputting either passcode data or call restriction data via voice command. (Col. 4, lines 8 – 18 and Col. 6, lines 10 – 29).

As to claim 16, Flood teaches the claimed limitations as discussed above. Flood further teaches that a user begins using the call caging system 100 by dialing an access number which inherently is accessible via the PSTN. (Col. 6, lines 13 – 15).

As to claims 17 and 18, see rejection of claims 13 – 15 and note also that the purpose of an authorization code or passcode is to not allow access to or modification of a service UNTIL a valid authorization code or passcode is received by the system, therefore it is inherent that the system would only request input of call restriction data after the user is determined to be a valid one. (Col. 6, lines 20 – 28).

As to claim 20, Flood teaches the claimed limitations as discussed above. Flood also teaches that computer system 200 restricts a call if a call restriction record is found corresponding to the destination number read as the claimed "dialed telephone number." (Col. 8, lines 14 – 49).

3. Claims 3 and 23 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat 5,864,613 (Flood) in view of US Pat 6,014,435 (Rosen).

As to claim 24, Flood has been discussed above but does not explicitly teach a high-intensity DTMF signal having sufficient intensity to interfere with a call. However, Rosen teaches a call defeat apparatus which sends a loud audio/DTMF tone which a telephone system is unable to recognize, thus disrupting communications. (Col. 2, lines 47 – 65 of Rosen). It would have been obvious to combine the interfering signal of Rosen with the system of Flood because Rosen's method is simply an old and well known way of disrupting communications. While Flood teaches actually disconnecting/terminating a call, either method would be a viable choice and therefore merely a design choice or preference to one of ordinary skill in the art. Furthermore, the use of circuitry in Rosen could easily be implemented using logic control/elements are used in Flood and vice versa. Such is also a design choice or preference to one of ordinary skill in the art.

As to claims 3 and 25, Flood and Rosen have been discussed above. What is not explicitly taught is increasing the intensity/amplitude of the interference signal. However, Rosen teaches that "[p]referably, the intensity of the tone placed on the line 3 in response to dialing an unauthorized string... is sufficiently loud as to totally disrupt any attempt at communication on the line 3." (Col. 4, lines 31 – 43 of Rosen). This teaching hints at the least, that the intensity of the interference signal may be intensified if necessary and so at the least, it would be obvious for one of ordinary skill in the art to

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allow for intensification of the interfering signal of Rosen until it sufficiently disrupts any communications if necessary.

As to claim 23, Flood and Rosen have been discussed above. Further inherent in the obvious combination of Flood and Rosen are first and second control signals, the first signal is merely the instruction to send a tone to interfere with communications. If the signal intensity is to be amplified, then of course, a second signal will be sent to notify the system to do this.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat 5,864,613 (Flood) in view of US Pat 5,590,182 (Stevens et al.).

As to claim 6, Flood has been discussed above. What is not specifically taught by Flood is how the system is powered. However, there are many old and well known methods of powering telephone systems/apparatuses. A common method is taught by Stevens et al. wherein the call restricting control device 1 is connected to the telephone or located within the telephone and is powered like a telephone is. This means that no power is supplied until an off-hook condition is sensed and then the various circuits allow power to be sent to the telephone, and in the case of Stevens et al., to the control device 1 as well. (Col. 5, lines 17 – 33, Col. 6, lines 46 – 53 of Stevens et al.). It would be obvious for one of ordinary skill in the art to power the invention of Flood in this manner inasmuch as it would merely be a design choice or preference. There are many methods of powering such devices and these are, for all intensive purposes,

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interchangeable. The call restrictive aspects of either invention would not be affected by how it is to be powered.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat 5,864,613 (Flood) in view of US Pat 5,590,182 (Stevens et al.) and further in view of US Pat 4,095,056 (Ewen).

Flood and Stevens et al. have been discussed above. Stevens et al. further teach having a predetermined time wherein call blocking is applied to the telephone. And if an off-hook condition is still detected, even if the predetermined time is over, still continuing the apply call blocking. (Col. 10, lines 31 – 49 of Stevens et al.).

What Flood and Stevens et al. do not explicitly teach is an on-hook condition of sufficient time. However, Ewen teaches a call restriction apparatus that guards against a user flashing his/her hook switch to trick the apparatus via a time delay circuit which reads on the claimed "maintaining the interference... until a telephone on hook condition of sufficient duration is detected." (Col. 7, lines 22 – 36 of Ewen). It would be obvious for one of ordinary skill in the art to have implemented or modified the combination of Flood and Stevens et al. to use a time delay associated with an on hook duration inasmuch as it is old and well known and merely another method to prevent fooling the call restrictor apparatus into allowing a call it should not allow.

As to claim 8, What Flood and Stevens et al. do not explicitly teach is "resuming" interference following an off hook condition. However, inasmuch as Stevens et al. already teach checking for a continued off hook condition, it would be obvious for one of

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ordinary skill in the art to have modified the apparatus to "resume" interference if the duration of the interference was not sufficient. Moreover, monitoring for an insufficient off hook duration is analogous to monitoring for a sufficient on hook condition so checking for either condition is read upon by the above description of Ewen.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat 5,436,957 (McConnell) teaches subscriber control of access restrictions on a plurality of the subscriber's telephone lines. US Pat 5,200,995 (Gaukel et al.) teach a universal outgoing call restriction circuit. US Pat App. Pub. 2002/0168055 (Crockett et al.) teach voice enhancing for AIN services including call restriction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.

April 14, 2003


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